



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

SPN/MKM/KDE
F. #2015R00707

*271 Cadman Plaza East
Brooklyn, New York 11201*

April 12, 2019

By ECF and Hand

The Honorable Pamela K. Chen
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Brayan Jiménez,
Criminal Docket No. 15-252 (S-1) (PKC) (RML)

Dear Judge Chen:

The government respectfully submits this letter following the April 4, 2019 restitution hearing as to defendant Brian Jiménez to propose a schedule for the defendant's payment of restitution and forfeiture.

The government proposes that the defendant be ordered to make payments on the following schedule:

- Nov. 20, 2019: 10% of gross income, if any, received from the date of the restitution order.
- May 20, 2020 and every six months thereafter: 10% of gross income, if any, received since the previous payment date.

In light of the number of defendants held jointly and severally liable for victim losses in this case and the prospect that additional defendants will be added to that number, the government proposes that the defendant's payments go toward restitution until his restitution obligation has been satisfied and then continue on the same schedule until the forfeiture obligation is satisfied. Counsel for the defendant proposes that half of each payment of 10% of gross income should be allocated to restitution and half to forfeiture. The defendant proposes that in the event he satisfies his forfeiture obligation before his restitution obligation, or vice versa, the full amount of each payment would be then applied to the remaining obligation.

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The government notes that the payment dates set forth above correspond to the restitution payment dates set by the Court for defendants Juan Ángel Napout, José Maria Marin, Eduardo Li and Rafael Salguero. See ECF Dkt. No. 1128 (proposed payment schedule for Napout and Marin), ECF Entry dated Dec. 19, 2018 (order setting payment schedule); ECF Dkt. No. 1209 (Restitution Order as to Li and Salguero). Accordingly, the proposed schedule contemplates that defendants owing restitution will make payments on the same date until the restitution obligations are satisfied. The government submits that this schedule will balance the interest in securing timely payment for victims with the interest in leaving room for additional defendants to contribute to restitution, subject to further scheduling orders and their ability to pay, and for the government to seek approval to use forfeited funds to cover victim losses. The government proposes that, in advance of each payment date, the government, the defendants, and the victims advise the Court, as warranted, of any reductions in the outstanding restitution amounts owed to the victims due to restoration of forfeited funds or recovery of losses from other sources.

Respectfully submitted,

RICHARD P. DONOGHUE
United States Attorney

By: /s/
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cc: Clerk of Court (PKC) (by ECF)
Defense Counsel (by ECF)